

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-43 are pending in the application, with 1, 4, 13, 16, 21, 28, 33, 36, 40, 41, 42 and 43 being the independent claims. Claim 1 is sought to be amended to correct obvious errors. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejects claims 13-21, 24, 26, 28-30, 36, 37, and 41 as allegedly being anticipated by U.S. Patent No. 5,875,108 to Hoffberg *et al.* (herein referred to as "Hoffberg"). Paper No. 14, page 3. Applicants respectfully traverse these rejections.

Hoffberg does not teach each and every element, limitation, and/or feature of Applicants' invention. For example, Hoffberg does not disclose "a sequence of commands to control a **plurality** of production devices to thereby **create** a show or show segment (or production)," as recited in independent claims 13, 16, 21, 28, 36, and 41. To support his rejections, the Examiner relies on the following passages of Hoffberg: Column 31, lines 52-57; Column 37, lines 2-45; Column 38, lines 40-67; and Column 39, lines 1-15. These passages do not teach Applicants' invention. These passages describe an interface for programming a device, namely a VCR, to record a "previously created or

produced” television program that is being broadcast to a general audience. These passages do not describe controlling a plurality of devices to “create” a “show, show segment, or production,” as recited in Applicants’ invention. Although Hoffberg teaches that its programmable interface can be used to control other devices (e.g., telephone device interface, dishwasher, house alarms, lighting, heating, medical devices, etc.), these devices are not collectively controlled to produce a single outcome, such as a show, show segment or production. (See Hoffberg, Columns 88-111). On the contrary, Hoffberg teaches that its programmable interface can be adapted to control each exemplary device to perform a respective function independent of the other exemplary devices. For example, a telephone device interface is used to control complex telecommunications functions (Column 88, lines 64-67); a smart house interface is used to control a dishwasher (Column 90, lines 6-9), an alarm system (Column 89, lines 18-20), lighting (Column 89, lines 26-28), or a climate control system (Column 91, lines 53-54); a medical device interface is used to control access to a patient’s records or monitor a patient’s vital signs (Column 96, lines 15-46); a securities trading interface can be used to correspond to the desired actions of the trader (Column 98, lines 24-40); etc. Hoffberg does not teach that its telecommunications device, dishwasher, alarm system, lighting, climate control system, medical device, etc., collectively are controlled to “create a show, show segment, or production,” as recited in Applicants’ invention.

Therefore, Applicants respectfully assert that Hoffberg does not disclose Applicants’ invention as recited in independent claims 13, 16, 21, 28, 36, and 41. It follows therefore that claims 14-15, 17-20, 22-27, 29-32, and 37-39 which depend from claims 13, 16, 21, 28, and 36, respectively, are likewise patentable over the teachings of

Hoffberg for at least the above reasons, in addition to the features recited therein. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection of these claims, and allowance thereof.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner states six rejections under 35 U.S.C. § 103(a) to allege that claims 1-12, 22, 23, 25, 27, 31-35, 38-40, 42, and 43 are obvious over a combination of the following documents:

- a) Hoffberg;
- b) U.S. Patent No. 6,315,572 to Owens *et al.* (herein referred to as "Owens");
- c) U.S. Patent No. 5,577,190 to Peters (herein referred to as "Peters");
- d) U.S. Patent No. 6,146,148 to Stuppy (herein referred to as "Stuppy");
- e) U.S. Patent No. 6,458,060 to Watterson *et al.* (herein referred to as "Watterson"); and
- f) U.S. Patent No. 6,398,556 to Ho *et al.* (herein referred to as "Ho"). Paper No. 14, pages 5-16.

Each rejection is discussed separately below.

a. Hoffberg and Owens Rejections

In the Office Action, the Examiner rejects claims 1-5 and 7-12, as allegedly being obvious over Hoffberg in view of Owens. Paper No. 14, page 6. Applicants respectfully traverse these rejections.

Hoffberg and Owens, taken alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of Applicants' invention. For example, Hoffberg does not teach or suggest "an automation control system for executing a

sequence of commands to control a plurality of production devices to thereby create a show or show segment,” as recited in independent claim 1. To support his rejections, the Examiner relies on the following passages of Hoffberg: Column 30, lines 12-25, Column 31, lines 33-40; Column 38, lines 40-67; and Column 39, lines 1-15. These passages do not teach Applicants’ invention. As discussed above (with respect to the rejections under 35 U.S.C. § 102(b)), these passages describe an interface for programming a device, namely a VCR, to record a “previously created or produced” television program that is being broadcast to a general audience. These passages do not describe or suggest controlling “a **plurality** of devices to **create** a show or show segment,” as recited in Applicants’ invention. The exemplary devices disclosed in Hoffberg (e.g., telecommunications device, dishwasher, alarm system, lighting, climate control system, medical device, etc.) are not collectively controlled, by an automation control system, to “create a show or show segment,” as recited in Applicants’ invention.

Owens fails to cure the defects of Hoffberg since it also fails to teach or suggest “an automation control system for executing a sequence of commands to control a plurality of production devices to thereby create a show or show segment,” as recited in independent claim 1. The Examiner cites Owens for allegedly teaching “a multimedia production means for communicating with production devices...” Paper No. 14, page 6. First, the Examiner’s statement refers to language that no longer appears in Applicants’ claim 1. Secondly, the passage cited by the Examiner to support this statement refers to loading and reading data from a memory. See Column 5, lines 34-50. Owens’ CPU-memory architecture operates to “recall previously stored data.” Owens does not teach or suggest

“automation control system for executing a sequence of commands to control a plurality of production devices to thereby **create a show or show segment.**”

Since Hoffberg and/or Owens does not teach or suggest “an automation control system for executing a sequence of commands to control a plurality of production devices to thereby **create a show or show segment,**” it follows, therefore, that Hoffberg and/or Owens cannot teach or suggest a “method” that includes “sending a lesson..., wherein said lesson includes an assignment to prepare pre-production instructions to operate at least one of a plurality of production devices to **produce a show or show segment,**” as recited in independent claim 4. As discussed above, Hoffberg discloses programming a VCR to record a broadcast (see Hoffberg at Column 31, lines 33-52), and Owens discloses reading data from a memory (see Owens at Column 5, lines 34-50). Neither document teaches or suggests the “production” of a show or show segment, as recited in Applicants’ invention.

Therefore, Applicants respectfully assert that Hoffberg and/or Owens does not teach or suggest Applicants’ claims 1 and 4. It follows therefore that claims 2-3 and 5-12, which depend from claims 1 and 4, respectively, are likewise not obvious over the teachings of Hoffberg and/or Owens, for at least the above reasons, in addition to the features recited therein. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection of these claims, and allowance thereof.

b. Hoffberg, Owens, and Peters Rejections

In the Office Action, the Examiner rejects claim 6, as allegedly being obvious over Hoffberg in view of Owens in further view of Peters. Paper No. 14, page 11. Applicants respectfully traverse this rejection.

As discussed above, claim 6 depends from independent claim 4, and is patentable over Hoffberg and/or Owens for at least the reasons stated above, in addition to the features recited in claim 6.

Peters also fails to cure the defects of Hoffberg and Owens since it also fails to teach or suggest “sending a lesson..., wherein said lesson includes an assignment to prepare pre-production instructions to operate at least one of a plurality of production devices to **produce a show or show segment**,” as recited in independent claim 4. The Examiner cites Peters for allegedly teaching “a network capable media editing system with adjustable source material that includes the generation of media commands such as motion effects, text effects and transition effects.” Paper No. 14, page 11. Thus, as the Examiner acknowledges, Peters is directed to “editing a previously recorded video,” and not to “producing a show or show segment,” as recited in Applicants’ invention.

Therefore, Applicants respectfully assert that Hoffberg, Owens, and/or Peters does not teach or suggest Applicants’ claim 6. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection of this claim, and allowance thereof.

c. Hoffberg and Stuppy Rejections

In the Office Action, the Examiner rejects claims 25 and 27, as allegedly being obvious over Hoffberg in view of Stuppy. Paper No. 14, page 12. Applicants respectfully traverse these rejections.

Hoffberg and Stuppy, taken alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of Applicants' invention. As discussed above (with respect to the rejections under 35 U.S.C. § 102(b)), claims 25 and 27 depend from independent claim 21, and are patentable over Hoffberg for at least the reasons stated above, in addition to the features recited in claims 25 and 27. For example, Hoffberg does not teach or suggest "a sequence of commands to control a plurality of production devices to thereby create a show or show segment..." as recited in independent claim 21. Stuppy fails to cure the defects of Hoffberg since it also fails to teach or suggest "a sequence of commands to control a plurality of production devices to thereby create a show or show segment," as recited in independent claim 21.

The Examiner cites Stuppy for allegedly teaching "a user must be authenticated through a login id process prior to being authorized to access training lessons on the system (Fig 3)." However, Stuppy describes:

"[t]he teacher would log in to [sic] the system at the start of the session. A typical login screen for use with the present invention is shown in FIG. 3. The login screen allows the teacher to select and seat certain students around the worktable..." (See Stuppy at Column 12, lines 5-20).

Thus, Stuppy (at FIG. 3) does not teach or suggest "a user...being authorized to access a training lesson" but rather a "login screen [that] allows the teacher to select and seat certain students." This is not recited in Applicants' claims 25 and 27.

Therefore, Applicants respectfully assert that Hoffberg and/or Stuppy does not teach or suggest Applicants' claims 25 and 27. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection of this claim, and allowance thereof.

d. Hoffberg and Watterson Rejections

In the Office Action, the Examiner rejects claims 31, 32, 40, 42, and 43, as allegedly being obvious over Hoffberg in view of Watterson. Paper No. 14, page 12. Applicants respectfully traverse these rejections.

First, it should be noted that Applicants' invention properly claims the benefit of U.S. Provisional Application Serial No. 60/196,471 (filed April 12, 2000). Watterson issued as a patent on October 1, 2002, and was filed as a patent application on August 18, 2000. Thus, Applicants' priority date under 35 U.S.C. § 119(e) precedes Watterson's issue date and filing date. Although Watterson claims domestic priority under 35 U.S.C. § 120 as a continuation-in-part to two applications filed on February 2, 2000 and July 8, 1999, the Examiner has provided no evidence that the subject matter used to support his rejections are properly supported by Watterson's earlier applications. See MPEP § 706.02(f)(1).

Nonetheless, Hoffberg and Watterson, taken alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of Applicants' invention. As discussed above (with respect to the rejections under 35 U.S.C. § 102(b)), claims 31 and 32 depend from independent claim 28, and are patentable over Hoffberg for at least the reasons stated above, in addition to the features recited in claims 31 and 32. For example, Hoffberg does not teach or suggest "a sequence of commands to control a plurality of

production devices to thereby create a show or show segment (or production)..." as recited in independent claims 28, 40, 42, and 43.

Watterson fails to cure the defects of Hoffberg since it also fails to teach or suggest "a sequence of commands to control a plurality of production devices to thereby create a show or show segment (or production)," as recited in independent claim 28, 40, 42, and 43. Therefore, Applicants respectfully assert that Hoffberg and/or Watterson does not teach or suggest Applicants' claims 31, 32, 40, 42, and 43. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection of this claim, and allowance thereof.

e. Hoffberg and Ho Rejections

In the Office Action, the Examiner rejects claims 22, 23, 38, and 39, as allegedly being obvious over Hoffberg in view of Ho. Paper No. 14, page 14. Applicants respectfully traverse these rejections.

Hoffberg and Ho, taken alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of Applicants' invention. As discussed above (with respect to the rejections under 35 U.S.C. § 102(b)), claims 22 and 23 depend from independent claim 21, and claims 38 and 39 depend from independent claim 36. Thus, claims 22, 23, 38, and 39 are patentable over Hoffberg for at least the reasons stated above, in addition to the features recited therein. For example, Hoffberg does not teach or suggest "a sequence of commands to control a plurality of production devices to thereby create a show or show segment (or production)..." as recited in independent claims 21 and 36.

Ho fails to cure the defects of Hoffberg since it also fails to teach or suggest "a sequence of commands to control a plurality of production devices to thereby create a

show or show segment (or production),” as recited in independent claim 21 and 36. Therefore, Applicants respectfully assert that Hoffberg and/or Ho does not teach or suggest Applicants’ claims 22, 23, 38, and 39. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection of this claim, and allowance thereof.

f. Hoffberg, Watterson, and Stuppy Rejections

In the Office Action, the Examiner rejects claims 33-35, as allegedly being obvious over Hoffberg in view of Watterson in further view of Stuppy. Paper No. 14, page 15. Applicants respectfully traverse these rejections.

First, as discussed above, Applicants’ invention properly claims the benefit of U.S. Provisional Application Serial No. 60/196,471 (filed April 12, 2000). Applicants’ priority date under 35 U.S.C. § 119(e) precedes Watterson’s issue date (i.e., October 1, 2002) and filing date (i.e., August 18, 2000). Although Watterson claims domestic priority under 35 U.S.C. § 120 as a continuation-in-part to two applications filed on February 2, 2000 and July 8, 1999, the Examiner has provided no evidence that the subject matter used to support his rejections are properly supported by Watterson’s earlier applications. See MPEP § 706.02(f)(1).

Nonetheless, Hoffberg, Watterson, and Stuppy, taken alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of Applicants’ invention. For example, (as discussed in greater detail above), neither Hoffberg, Watterson, nor Stuppy teach or suggest “a sequence of commands to control a plurality of production devices to thereby create a production...,” as recited in independent claim 33.

Regarding Stuppy, the Examiner cites this patent to allegedly teach “the requirement of a login procedure in order for clients to access the lessons provided by the instructor communication capability (Fig 3).” However, the Stuppy describes:

“[t]he teacher would log in to [sic] the system at the start of the session. A typical login screen for use with the present invention is shown in FIG. 3. The login screen allows the teacher to select and seat certain students around the worktable...” (See Stuppy at Column 12, lines 5-20).

Thus, Stuppy (at FIG. 3) does not teach or suggest “a login procedure...for clients to access the lessons provided by the instructor” but rather a “login screen [that] allows the teacher to select and seat certain students.” This is not recited in Applicants’ claims 33-35.

Therefore, Applicants respectfully assert that Hoffberg, Watterson, and/or Stuppy does not teach or suggest Applicants’ claims 33-35. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection of this claim, and allowance thereof.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "K. Patterson", is written over a horizontal line.

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Date: February 26, 2004

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